

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,)
)
v.)
) **No. 3:07-CR-89**
MELVIN SKINNER, and SAMUEL SKINNER)
)
) **(Phillips)**

ORDER

On January 10, 2008, the Honorable H. Bruce Guyton, United States Magistrate Judge, entered a pretrial order denying the defendants' motion to sever [Doc. 66]. This matter is presently before the court on defendants' objections to the magistrate judge's order [Docs. 67, 68]. Melvin Skinner and Samuel Skinner have both asked for a severance from one another in the trial of this case pursuant to Federal Rule of Criminal Procedure 14.

Magistrate Judge Guyton's order was entered pursuant to 28 U.S.C. § 636(b). Under 28 U.S.C. § 636(b) the court can reconsider the magistrate judge's ruling if it is "clearly erroneous" or "contrary to law." Accordingly, the court has now undertaken a review of the magistrate judge's order. After doing so, the court concludes that Magistrate Judge Guyton's ruling is consistent with the Federal Rules of Criminal Procedure and applicable case law, and thus, a detailed written opinion by the undersigned covering the same ground would be unduly duplicative. Thus, the court agrees with Magistrate Judge

Guyton that there is no basis for severance of these defendants and the ruling rendered by Magistrate Judge Guyton is accordingly **AFFIRMED** on the basis of the reasoning set forth in his memorandum and order entered January 10, 2008. Accordingly, defendants' appeal [Docs. 68, 68] is hereby **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge